

# COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled MAMMALIAN IAP GENE FAMILY, PRIMERS, PROBES AND DETECTIONS METHODS, the specification of which

☐ is attached hereto.

☒ was filed on December 22, 1995 as Application Serial No. 08/576,956 and was amended on \_\_\_\_\_

☐ was described and claimed in PCT International Application No. \_\_\_\_\_

filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information I know to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

U.S. SERIAL NO.	FILING DATE	STATUS
<u>08/511,485</u>	<u>August 4, 1995</u>	<input checked="" type="checkbox"/> Pending <input type="checkbox"/> Issued <input type="checkbox"/> Abandoned

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Paul T. Clark, Reg. No. 30,162 and Kristina Bieker-Brady, Reg. No. 39,109, William E. Booth, Reg. No. 28,933; Barry E. Bretschneider, Reg. No. 28,055; John W. Freeman, Reg. No. 29,066; Timothy A. French, Reg. No. 30,175; Alan H. Gordon, Reg. No. 26,168; John F. Land, Reg. No. 29,554; John B. Pegram, Reg. No. 25,198; Rene D. Tegtmeyer, Reg. No. 33,567; Hans R. Troesch, Reg. No. 36,950; Dorothy P. Whelan, Reg. No. 33,814; Charles C. Winchester, Reg. No. 21,040.

Address all telephone calls to Kristina Bieker-Brady at telephone number 617/542-5070.

Address all correspondence to Kristina Bieker-Brady, Fish & Richardson P.C., 225 Franklin Street, Boston, MA 02110-2804.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

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COMBINED DECLARATION AND POWER OF ATTORNEY, CONTINUED

Full Name of Inventor: Robert G. Korneluk

Inventor's Signature: [Signature]

Date: Mar. 18/96

Residence Address: Ottawa, Ontario, Canada

Citizen of: Canada

Post Office Address: 1901 Tweed Ave., Ottawa, Ontario, Canada K1G 2L8

Full Name of Inventor: Alexander E. MacKenzie

Inventor's Signature: [Signature]

Date: March 18, 96

Residence Address: Ottawa, Ontario, Canada

Citizen of: Canada

Post Office Address: 35 Rockcliffe Way, Ottawa, Ontario, Canada K1M 1A3

Full Name of Inventor: Stephen Baird

Inventor's Signature: [Signature]

Date: Mar 18/96

Residence Address: Ottawa, Ontario, Canada

Citizen of: Canada

Post Office Address: 20 Julian Ave., Ottawa, Ontario, Canada K1Y 0S5

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Applicant or Patentee: Robert G. Korneluk et al.  
 Serial or Patent No.: 08/576,956  
 Filed or Issued: December 22, 1995  
 For: MAMMALIAN IAP GENE FAMILY, PRIMERS, PROBES, AND DETECTION METHODS

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
 (37 CFR 1.9(f) and 1.27(d)) - NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of Organization: University of Ottawa  
 Address of Organization: 550 Cumberland, Ottawa, Ontario, Canada K1N 6N5  
 Type of Organization:

- ☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION  
☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c)(3))  
☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA  
 (NAME OF STATE: )  
 (CITATION OF STATUTE: )  
☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c)(3)) IF  
 LOCATED IN THE UNITED STATES OF AMERICA  
☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF  
 AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA  
 (NAME OF STATE: )  
 (CITATION OF STATUTE: )

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled MAMMALIAN IAP GENE FAMILY, PRIMERS, PROBES, AND DETECTION METHODS by inventor(s) Robert G. Korneluk, Alexander R. MacKenzie, and Stephen Baird described in

- ☐ the specification filed herewith.  
☒ application serial no. 08/567,959, filed December 22, 1995.  
☐ patent no. , issued .

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Full Name: Apoptogen, Inc.

Address: 100 International Blvd., Etobicoke, Ontario, Canada M9W 6J6

☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name: Jean Farrall

Title: Director, Research Services

Address: University of Ottawa, 115 Seraphin Marion, Ottawa, Canada

Signature: Jean Farrall Date: 15 March 1996

Applicant or Patentee: Robert G. Korneluk et al.  
 Serial or Patent No.: 08/576,956  
 Filed or Issued: December 22, 1995  
 For: MAMMALIAN IAP GENE FAMILY, PRIMERS, PROBES, AND DETECTIONS METHODS

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
 (37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- ☒ the owner of the small business concern identified below:  
☐ an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern: Apoptogen, Inc.

Address of Small Business Concern: 100 International Blvd., Etobicoke, Ontario, Canada M9W 6J6

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled MAMMALIAN IAP GENE FAMILY, PRIMERS, PROBES, AND DETECTION METHODS by Inventor(s) Robert G. Korneluk, Alexander R. MacKenzie, and Stephen Baird described in

- ☐ the specification filed herewith.  
☒ application serial no. 08/576,956, filed December 22, 1995.  
☐ patent no., issued.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Full Name: University of Ottawa

Address: 550 Cumberland, Ottawa, Ontario, Canada K1N 6N5

- ☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☒ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent on which this verified statement is directed.

Name: Frank Gleeson

Title: President and CEO

Address: 100 Etobicoke, Ontario, Canada M9W 6J6

Signature: FM Gleeson

Date: 21 Feb '96